

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/002002

International filing date (day/month/year)
26.02.2004

Priority date (day/month/year)
31.03.2003

International Patent Classification (IPC) or both national classification and IPC
G07F7/10, G07F19/00

Applicant
KONINKLIJKE KPN N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002002

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002002

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☐ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☒ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-13,15-17,20
	No: Claims	1,2,14,18,19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

1. The following documents are referred to in this communication:

D1 : EP 0 786 747 A (FRANCE TELECOM) 30 July 1997 (1997-07-30)

D2 : DE 197 16 068 A (GIESECKE & DEVRIENT) 22 October 1998 (1998-10-22)

D3 : EP 0 203 543 A (SIEMENS) 3 December 1986 (1986-12-03)

D4 : WO 99/33033 A (VISA INTERNATIONAL SERVICE ASSOCIATION)

1 July 1999 (1999-07-01)

2. INDEPENDENT CLAIMS 1, 14, 18, 19

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 14 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document): a method for using an electromagnetic scratchcard (1) to provide services between a terminal accessible to a service customer and an infrastructure comprising a network and a service provider whereby an activation code is present in electronic or magnetic form on the electromagnetic scratchcard and the activation code is used to activate a card balance that is associated with the electromagnetic scratchcard and is accessible to the server. (see column 3, line 21 - column 4, line 11; column 6, lines 25-52).

The activation code is the "numéro d'identification de la carte" which gives access to the credit on the server and therefore activates the use of the account..

- 2.2 Notwithstanding the general terminology (activation code which could both mean "a code to unlock the card" and "a code to activate the account" such as the account number itself) used for claims 1 and 14 resulting in the novelty objection, the present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claims 1 and 14 is not new in the sense of Article 33(2) PCT in the light of D2 neither.

- 2.2.1 Document D2, which is considered to represent the most relevant state of the art to the subject matter of claims 1 and 14, discloses (the references in parenthesis applying to this document):

a method for using an electromagnetic scratchcard (1) to provide services

between a terminal accessible to a service customer and an infrastructure comprising a network and a service provider whereby an activation code is present in electronic or magnetic form on the electromagnetic scratchcard and the activation code is used to activate a card balance that is associated with the electromagnetic scratchcard and is accessible to the server. (see column 1, line 65 - column 2, line 19; column 5, line 35 - column 7, line 8, line 5)

- 2.3 In both D1 and D2, the electronic scratchcard, the terminal and server participating in such method are implicitly or explicitly disclosed therefore the subject-matter of claims 18 and 19 is not new neither for the same reasons as above.

3 DEPENDENT CLAIMS 2-13, 15-17, 20:

- 3.1 Dependent claim 2 does not contain any feature which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT). Both D1 and D2 have a unique card ID present in the card.
- 3.2 Dependent claims 3-13, 15-17, 20 differ from the disclosure of D2 by the fact that the activation code may be read out conditional on the offering of an activation challenge to the card to verify if it is equal to an initial challenge present in the card. Only then is access given to the use of the card balance stored in the server.

The problem to be solved by the present invention may therefore be regarded as making access to a standard use of the card balance stored on the server dependent on an activation challenge to "unlock" (i.e. activate) the card.

- 3.2.1 In view of D3, the solution proposed in claim 3-13, 15-17 and 20 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

a challenge is sent to the card (comparison of Zustandsnummer Z1 resp. Teilnehmersnummer T1 to challenges Z2 and T2 sent to card for a comparison within the card) and if the challenges are matching, Teilnehmersnummer serves as Account number and gives access to the

card.

- 2.2.5 Therefore the features disclosed in D2 (access to a credit on server) and D3 (unlock according to a challenge compared in the card) would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in dependent claims 3-13, 15-17 and 20 thus cannot be considered inventive (Article 33(3) PCT).
3. The same idea of unlocking a card as in D2 is also disclosed in D4 to achieve the same advantage of making access to the virtual "scratchcard" account on server dependent on a challenge to be compared to an initial challenge in the card. The proposed solution can therefore neither considered inventive in the light of the combination of the features of D2 and D4.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/002002

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 G07F7/10 G07F19/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G07F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 786 747 A (FRANCE TELECOM) 30 July 1997 (1997-07-30) abstract; claims; figures column 4, line 1 - column 5, line 13 column 3, line 21 - line 40 column 6, line 25 - line 52 -----	1, 2, 14, 18, 19 5, 6, 20
Y A	DE 197 16 068 A (GIESECKE & DEVRIENT) 22 October 1998 (1998-10-22) abstract; claims; figures 1, 4 column 1, line 66 - column 2, line 58 column 5, line 34 - column 6, line 10 column 3, line 35 - line 66 column 5, line 34 - column 8, line 19; figure 6 ----- -/--	1-6, 12-20 7-11



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the International filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

27 August 2004

Date of mailing of the international search report

08/09/2004

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 203 543 A (SIEMENS) 3 December 1986 (1986-12-03)	1-6, 12-20
A	the whole document	7-11
A	WO 99/33033 A (VISA INTERNATIONAL SERVICE ASSOCIATION) 1 July 1999 (1999-07-01) page 3, line 1 - line 14 page 7, line 1 - page 10, line 30 page 22, line 18 - page 26, line 14	1-20
A	US 2002/139844 A1 (T. ROCHMANN ET AL.) 3 October 2002 (2002-10-03) abstract; claims; figures	1,2,5,6, 14,18-20
A	WO 01/59724 A (KONINKLIJKE KPN) 16 August 2001 (2001-08-16) cited in the application the whole document	1,2,5, 14,18-20
A	DE 198 60 203 A (DEUTSCHE TELEKOM) 29 June 2000 (2000-06-29) column 3, line 43 - column 5, line 22; claims; figures	1,14
A	EP 1 100 056 A (THREECODEX) 16 May 2001 (2001-05-16) abstract; claims; figures	1
A	EP 0 668 579 A (AT & T) 23 August 1995 (1995-08-23) abstract; claims; figures	1
A	EP 0 971 324 A (EUROPAY) 12 January 2000 (2000-01-12)	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/002002

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EP 0971324	A	12-01-2000	EP 0971324 A1 AU 4386099 A WO 0002170 A1	12-01-2000 24-01-2000 13-01-2000